

When we talk about having an insurance program, what are the implications for the average citizen trying to get health care?

I yield to the gentleman.

Mr. McDERMOTT. Let me give you just one figure out of that.

When we looked at that in 1993, the administrative costs were—we could save \$140 billion by going to a single-payer system. The administrative costs in that system are totally out of control.

I'll give you another way to look at it, to really think about it. France has been judged to have the best health care system in the world by the World Health Organization. They spend one-half as much per person as we spend in the United States, and they have one doctor for every 430 people. And in the United States, we have one doctor for every 1,230 people.

Now, you can't tell me that the French are that much smarter than us, that they could figure out how to get the best health care system—we're rated 37 when you look at infant mortality and maternal mortality and longevity and morbidity for hypertension and for diabetes and all of these other things. We are not in the best health care system in the world despite of what we're spending.

Mr. ELLISON. But are we number one in any particular aspect?

Mr. McDERMOTT. We're number one in how much money we spend.

And my view is there's plenty of money in this system if we were more efficient and had more primary care physicians. I put in a bill that would make medical school in public medical schools free. In exchange for that, a medical student coming out would serve 4 years in primary care in underserved areas or inner-city areas—areas where people are underserved, whether it's the urban or the rural area. And we would take the debt load off our students. That would cut down the costs of medical care in this country.

We can do some things that would be real game changers if we were to change. Right now, most medical students go through and go into a specialty because they have to pay off their debts. And we can stop that. There are a lot of ways we can cut costs if we start thinking about those issues.

Mr. ELLISON. I thank you.

If I could yield to the gentlelady from California

Ms. LEE of California. It doesn't take a rocket scientist to understand that the billions of dollars going for administrative cost that drive up the cost of health care is what I'm talking about when we're talking about the profit motive and the fact that there are big bucks being made in the health care industry. And that is what is driving up the cost of health care in many respects.

So we have to get to a system that allows for, yes, profits for those who want to make profits, for those who

have those types of health care, you know, who can afford those types of health care premiums. But also we've got to have some fairness and some justice in this health care system for those who can't afford those kinds of plans.

And, in fact, single-payer, as Congressman McDERMOTT said earlier, it's been shown that you drive down the cost of health care if you have single-payer. And I think the American people need to believe this and understand this, and if they just look at what you just showed us earlier in terms of the cost of health care and if you have a system that is fairer, then you will drive down those costs and then everyone will be able to afford health care. And that has nothing to do with running any company out of business. I support companies, the business sector, making money, making profits. I was a business owner for 11 years. So I get it. But I don't get how in the world can you do that at the disadvantage of 47 million-plus who are desperate for some kind of health care coverage.

So we have to deal with this quickly.

Mr. ELLISON. If I could ask the gentlelady a question. You just noted that you were a business owner for 11 years. How does a public option, single-payer impact small business people? Is this going to put them out of business as we've heard, the scare tactics and so forth? Or would this, perhaps, help them out?

Ms. LEE of California. I will tell you as a former small business owner, had we had single-payer, my business would have thrived a little more. Small businesses need help. Small businesses want to insure their employees because they know that a happy workforce, a workforce that has good benefits, good wages, decent wages, living wages, that's how productivity is ensured. When you have businesses that are struggling to survive because they can't afford the cost of health care, they need some help.

A single-payer system would help small businesses with their health care costs. And I have talked to many, many, many small businesses about health care reform, and many of them agree they need some help because they know that health care reform could drive their costs up and they don't want that, they don't need that. And we have to make sure that our small businesses are treated fairly and that the employees have health care coverage. And the single-payer system would certainly help small businesses move forward and insure their employees.

Mr. ELLISON. I thank the gentlelady for making that clear about small business because it is important that for people to know that we have this burgeoning coalition of people who want to see single-payer, at least want to see a public option. Clearly, we know that the forces of labor would like to see this public option and many of them call for single-payer. We know that the

Chamber of Commerce has said we need health care reform. They may not be calling for single-payer, but some are. We know doctors are. But also as you pointed out, it's critical to know small business people would benefit from single-payer or at least a public option, which is critical.

And I just want to say, as we begin to wrap up the night, that the need for health care reform in a public plan is essential. Reform will alleviate the burden on families by lowering costs, ensuring timely access to affordable health care, making sure that everybody has access to preventative care to help keep people healthy so those people that you were referring to don't have to worry about their employees being sick and not coming to work. They got a plan so they're coming back to work every day.

And allowing workers to change jobs without worrying about losing health care. In this age of increasing unemployment, should a person lose their job and lose their health care? It's a scary prospect, and I suppose I pose that question to the gentlelady as well.

As you talk to your constituents and you walk around the City of Oakland and you're in the grocery store, and you're in the park and in the community meetings, what are you hearing about people's fears as it relates to how they might lose their job—I mean, lose their health care if they should happen to become unemployed?

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Ms. LEE of California. You know, right now people are worried. First of all, in a country as great as ours; in a country that spends over \$600 billion for defense, and more; in a country that spent close to a trillion dollars on wars that should not have been fought, it is a shame and disgrace that a person has to fear and worry about losing a job and health care. I can't understand this. I can't believe that our values are there.

I think that this is a debate that has ethical and moral dimensions for us as a people. And I can't imagine any Member on this House floor wanting to see a person lose a job, and then health care, and not want to do something about it immediately.

So I want to thank you for your leadership. I want to thank the Progressive Caucus for their leadership. And we're going to stick with this public option. We want disparities closed. We want community clinics, we want prevention. There's big, big pieces of this health care reform bill that we're insisting on.

Thank you, Mr. ELLISON.

Mr. ELLISON. Let me thank the gentlelady for yielding. That will close us out for the night.

#### HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. PETERS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I appreciate being recognized and having the opportunity to address you here this evening from the floor of the House of Representatives.

As usual, if I sit here and listen carefully to those who have addressed you just previous, I get a different viewpoint on life than the one that I happen to hold.

This is what this House is about. It's about open debate, it's about the contest of ideas and, at least in theory, and I'll say historically in fact, good ideas that have come out into this arena of this debate here on the floor of this House have been challenged. Sometimes there are clashes out of that. The things that are facts should emerge and the good judgment should prevail over bad judgment.

That is, I will say, a broad generalization that I give. But as I listen to the discussions on health care and the posters that go up again night after night, the blue posters that say, Progressive Caucus, check in here. We'll tell you where America needs to go, and I'm listening to this discussion about health care and the argument. Here's one that I wrote down: If you have insurance you can stay right there. Don't worry. This is not socialism. The gentleman from the State of Washington made that statement.

This proposal—President Obama's proposal and the one perhaps mirrored by the Progressive Caucus, which was represented tonight, they say, This is not socialism. Don't worry. If you have insurance, you can stay right there and keep your own insurance policy.

Now let's examine those two statements within the context of what we're talking about here. If you have a health insurance that's privately held—maybe it's provided out of your wages, which would be allocated from your employer. If your employer is purchasing the health care policy for you, or if you're purchasing it out of your own pocket, however you might have that health care policy, that health insurance policy, we call that a private policy.

Of all of the Americans that are insured in that fashion, this proposal would offer another alternative, and that alternative would be, Well, you really don't have to keep this private health insurance policy. You can be insured off the government policy instead.

Now we wonder why we have private-sector employers that believe in free enterprise and should understand the dynamics that come from capitalism that would be supporting such an idea that there would be a government-run health care program for everybody that is apparently not covered already with in SCHIP and Medicare and Medicaid.

Sixty-five percent of the health care dollar that is already paid by taxpayer dollars, those 35 percent that remain, why would an employer want to support a policy that would replace the policy that he is providing for his employees with a government program?

Of course, if we think about that for a minute, we know the answer. An employer might support that because they see that they can get some other taxpayers to pay a bigger share of the burden of providing that health insurance. And so some employers will opt to support the proposal of the President or the Progressive Caucus because it will lower their overhead costs and, at least in theory, up their margins will come.

So when you hear the gentleman say, If you have insurance, stay right there. Don't worry. There is going to be fearmongering. You are going to see a campaign of fearmongering, to quote the gentleman from Washington precisely.

It's not fearmongering to realize that we would be losing the private sector-provided health care in America. Because employer after employer, when they had to pay the health insurance premiums for their employees, would look and decide, Well, I think I'm going to have to go into the government program because, after all, I can't compete with my competition that is using a government-run health insurance program.

By the way, what does the government do? They take the taxpayer from the workers. All of us pay taxes. By the way, corporations do not pay taxes. Corporations collect taxes from persons, from individuals, from end users.

They're an aggregator of those tax dollars. They bring them together, then they write the check and send it off to the Federal Government. But they don't pay taxes. They build that into the price of the goods and services that they are selling. That is a very simple concept that seems to not be very well understood by a lot of Americans, Mr. Speaker, and I'm not convinced that it's understood at the White House itself.

So the statement, If you have insurance, you can stay right there, only means a little while, because over time the private sector has to compete with the government sector. Government can always defeat the private sector simply by shifting costs off on to some other faction or write the rules in such a way that it's to their advantage.

Now here's another example. The argument that under the prescription drugs under Medicare, that negotiating for the price of those drugs should be done by the Federal Government. The leverage already that drives down those costs pushes the costs up higher in the other sectors.

We have a lot of health care overhead. And when we think about what happens within this, if someone goes into the hospital, and let's just say they get a hip replacement. That hip replacement will come for a fixed price, if it's Medicare. If it's a large insurance company that has negotiated a price that lots of times tracks the Medicare reimbursement rates down below the cost of providing the service, they will also only cut a check for that negotiated amount.

Sometimes it's actually less than Medicare with large insurance companies. Most of the time it's slightly more. But they track with each other. And the smaller the insurance company, the less leverage they have and the more likely it's going to cost that insurance company more for the same procedure. That's called cost shifting.

Cost shifting takes place because government has already driven the reimbursement rates down so that the health care providers can't keep their doors open unless they shift costs. That is an unjust tragedy that is taking place in America because government has interfered in the pricing process.

Another unjust inequity that is taking place is that back during World War II there were wage and price freezes. And when the wage and price freezes were established in order to keep our economy from having the costs skyrocket during World War II—and, by the way, I disagree with that policy—the price freezes and wage freezes kept employers from giving wages to their employees in order to compete on the labor market, which was very tight. In fact, at the end of World War II, we had the lowest unemployment rate in the history of America—1.2 percent.

So employers, to be able to get around the wage and price freeze, gave health insurance benefits to their employees and paid the premium. They were able to deduct that premium as a business expense. But the employee couldn't deduct that premium themselves.

So it set up an incentive, and some would say a perverse incentive, for employers to provide health insurance for their employees because they could deduct it, the employees couldn't. They needed to compete for wages and benefits, and that's how the package came together.

Two large inequities, two fundamental flaws in the health care industry. One of them was: Whatever health insurance or health care costs that would be deductible for any entity in America should be deductible for every entity in America whatsoever. For the individual that is self-insured, that wants to write the check for their hip replacement, for the individual that wants to pay a low insurance premium in order to establish a high deductible and a high percentage of a copayment in order to get a low insurance premium, that person should be able to deduct their costs the same as the one who has a full, full coverage policy at a relatively high premium per month, whether that's the employer that writes the check for the insurance and the health care itself, whether that's the individual, or whether it's the government.

All of these entities should pay the same price. And any private sector should be able to deduct the cost the same. No corporate executive or no corporation should have a comparative

advantage against an individual when it comes to health care services.

Those two inequities are what is wrong with this health care industry that we have in America. It's not that we don't have enough government health care, it's that we have too much government-run health care. We need more private sector. And the way we do that is provide the incentives so that business and private-sector people can make those decisions to manage it for themselves.

We have a health savings account program that allows over \$5,000 to be deposited in the HSA on an annual basis by a couple. It started out \$5,150. Now it has gone up with inflation every year, indexed, which is a very smart thing.

A young couple that would invest those dollars at age 20 and max that out every year and still take out the current value equivalent of \$2,000 a year would see about \$950,000 accrue in their health savings account by the time they retired 45 years later. That's a pretty good nest egg to have.

And Uncle Sam's interest in it is: Tax it. Tax it as an inheritance tax, tax it as real income. But, whatever, don't let the individual that has responsibly managed their health care for their life be able to take that money and invest it or spend it.

I suggest that we should allow—I would double the health savings account maximum amount and I would encourage young people, especially, to invest in the health savings account and see them arrive at retirement with not \$950,000, but maybe \$1.9 million in that account. And they could then easily purchase a paid-up health insurance policy that would replace Medicare. And if they do that, then we ought to then let them keep the change, the balance, and be able to invest that or spend that or hand it off to their children, without tax.

That's the best way to go at this health care—make it fully deductible; address the issue of cost shifting so they actually reflect the real costs in all of the billing; expand health savings accounts so that they can actually be retirement savings accounts with well-managed health care; encourage the insurance companies to provide premium benefits for those who have healthy lifestyles—those that don't smoke, those that maintain their weight, those that get a regular physical, those that can document that they are managing their health care in a fashion that is a responsible way of taking care of their bodies and the checkbook at the same time. All of that makes sense.

But what I'm hearing over here is, We want to do socialized medicine, but don't call us socialists and don't call it socialism. It is really ironic to me to see three members of the Progressive Caucus on the floor of the House of Representatives with a big blue poster on their easel that says: Progressive Caucus. Check out our Web site. Google Progressive Caucus.

Mr. Speaker, I suggest that people do that. Google Progressive Caucus. Read every word that's in there. And think about what people are saying from here, members of the Progressive Caucus.

The gentleman from Washington said, This is not socialism. Well, I would ask: Do you know who was managing the Web site of the Progressive Caucus up until 1999; who hosted the Web site, who maintained it, who took care of it? Do you know? I think you know.

I know. It was the socialists that managed your Web site. The Democratic Socialists of America took care of the Progressive Caucus' Web site until 1999, then they disconnected that, and the Progressive Caucus, you took care of your own Web site after that because there was a little political heat that was linking you too close to socialism.

So the gentleman who is a member of the Progressive Caucus tells us that his health care proposal is not socialism, but the Progressive Caucus in the Web site that was owned, operated, managed—perhaps not owned, but operated and managed by the socialist, the Democratic Socialists of America, whose Web site is DSAUSA.org. Anybody that goes to that and Googles DSAUSA, the first hit that comes up will be the socialist Web site. And on there it will say, We're not Communists.

So it's interesting to hear that Progressive Caucus members claim they are not socialists, but they're linked to the socialist Web site. The socialist Web site says, We're not Communists.

Now, I don't know the distinctions between communism, socialism, and progressivism. I would think we'll get all kinds of definitions and the nuances will emerge if we can have an intense debate about this. But there are a lot of similar philosophies within those ideologies. And the distinction between the Democratic Socialists of America and the Progressive Caucus, I think, are awfully hard to identify from reading both Web sites. And I have read them both.

□ 2045

So I would encourage people, Mr. Speaker, go to the Web site of the Progressive Caucus, Google it, read it. Go to the socialist Web site, dsausa.org, read it. Read the definition they have of communist, which they say they're not, and what their plan is. They say the distinction is that communists want to nationalize everything. They just want to nationalize the large corporations. They think that some of the small businesses could be run by, let's say, the barbers and the shopkeepers, they are actually run better by ma and pa. I agree with that. They are. But so are the big businesses better off run by the shareholders than they are the unions. But the socialist Web site calls for the nationalization of large corporations in America. They say, We

don't have it do it all at once. They can do it over time. These Representatives here, the Progressive Caucus, claim that taking over the health care industry in America is not socialism because for a while, they're going to let you have your own insurance policy, the one you own today. You get to stay there. But did you hear anybody say, We're going to provide the framework so that there can be new insurance companies that spring up and new competition brought into the marketplace? Did anybody say that they expected to see the growth of new private sector companies? Of course not. Because those proposing socialized medicine are proposing socialism. They're proposing the eventual nationalization of the large corporations in America. Even if it comes out of a cassette in the head of the people talking the way they used to say it several months ago or several years ago, the real reality of today's economy is far different. We have the nationalization of large investment banking companies in the United States today. We have the nationalization of AIG Insurance Company today. We have the de facto and probably the ultimate nationalization of two of the three large automakers in America today. We have the advocacy for a national health care plan which will replace any health care plan eventually because the competition from the private sector will be dried up by the pressure from the government. When that happens, then what you'll see is what we've seen in every nation in the world that has socialized medicine. That is, lower-quality care and rationed services.

I ran into a gentleman in a Menards store in Iowa some months ago who happened to be an immigrant from Germany. He told me about his hip replacement. He had waited in line for 6 to 7 months to get a hip replacement. Finally he got scheduled to get his hip replaced not in Germany but in Italy because the line was shorter. So people around the EU, they get themselves in the queue and try to get through to get this important surgery. We have people that have heart disease that need to have maybe a valve replacement or other types of surgery who lay in bed for a year in the United Kingdom because they haven't come up in the queue yet. There's only so much that can be handled. We have this large inner city government-run health care program now. We have socialized medicine in our inner cities. Now I'm thinking of some of the people I know that are involved in that who are good providers, and they're sincere about what they do. But is anybody seeking to replicate the services that we see there? Do they say so? Will they admit it? Because the policies you are advocating seek to replicate this socialized medicine that we see across the world, which rations services, lowers the quality of care, suspends the innovation, and discourages people from coming into the industry. It takes me back to

those articles from the Collier's magazines that were published in 1948 and 1949. I had a World War II veteran who served out of Great Britain; and if I remember right, he flew on B-17s out of England over Europe. He brought me the originals of the Collier's magazines from 1948 and 1949, and I was able to read through them. Each magazine had stories in it about shaping the socialized medicine in the United Kingdom, which took place in 1948. Almost the immediate result, month by month you read that through until 1949 where there were pictures of people standing in long lines outside of the health care clinics and doctors that were tired and dejected because they could only spend just minutes with a patient. They had to run from patient to patient to see enough patients so they could feed their own kids because they got paid so much for a visit and the government set the price. It rationed the health care, and it narrowed the quality of the care. Today we see the same thing, only it's more stark because we are more sophisticated with the modernization of our health care.

There is nothing there that I want to adopt from these foreign countries. The things that they tell us are, Well, we learned from their mistakes, and we'd never set up America to make the mistakes that were made in the foreign countries. Well, if you know the answers, gentlemen, why don't you clue them in in places like Canada, the United Kingdom, all across the European Union. Clue them in. Tell them what it is, your secret on how this is going to work, what you've learned from their mistakes.

But the statement from the gentleman from California: No one's talking about socialized medicine, close quote. Really? I think we need to define what socialized medicine is. That's when the government takes over the system and runs it. Just because you leave some insurance companies in place so you can say you have a choice until you starve them out, until they atrophy on the vine and everything becomes socialized medicine doesn't mean you're not talking about socialized medicine. You clearly are.

Then also the gentleman from the State of Washington said that between 35 million to almost 50 million uninsured in America. So from 35 million and now it's gone to 50 million uninsured. The highest number I can find out there is 47 million. But there's another number out there that tells me something else. That is, of the uninsured, at least one in five are illegal immigrants that don't belong in the United States, that if we're going to provide them socialized medicine, can we at least send the Department of Homeland Security there to deliver them their little voucher or their debit card for their health insurance? Let's send ICE to deliver it to these 12 million illegals, and we can cut this number then down to 35 million just by simply letting those folks go on back

to where they are legal to live, rather than the United States.

The gentleman isn't very concerned about how it is that we would tax the producers in America to provide nationalized socialized medicine for people who aren't even legal here in the United States. I'm convinced that these are the gentlemen who would support such a policy to provide that health care, and they would also probably hand them citizenship papers into the bargain. Not I, Mr. Speaker. I oppose such ideas. I believe that we have to sustain ourselves as a country; and in order to do that, we have to maintain the principles that made this country great. Among them are free enterprise capitalism. That is a good word, not a bad word. They seem to know that socialism is a bad word, but they don't think progressivism is a bad word. Well, I will tell you that they are linking it together; and the link that they have severed now, that link between the Democratic Socialists of America, dsausa.org's Web site that posted for and provided and maintained the Progressive Caucus Web site, that little link isn't there anymore because they don't want to admit that it's hard to figure out the difference. But on the socialist Web site, it says, We are a political party, but we don't run candidates under our banner of socialism because—I think because the progressives know it has a bad name, so do the socialists know that socialism has a bad name still in America. They say that their legislative arm is the Progressive Caucus. You can go to dsausa.org, do a search for the Progressive Caucus, and you will come up with that link. At last count, I saw 75 names on that list that are active members of the Progressive Caucus that are alleged by the Socialist Web site of being a legislative arm of the socialists here. One over in the Senate, BERNIE SANDERS, self-alleged socialist, who is someplace to the right, according to his contemporary voting record in the Senate, of the President of the United States himself.

And we wonder why America is taking this hard lurch to the left? Why we're looking at socialized medicine? Why we're seeing the automakers nationalized? How it is that the President of the United States can dictate down through our private sector, and we can see this sweeping expansive government into the private sector? Unimagined and unimaginable just a few months ago; but a reality today, Mr. Speaker. And it's a reality that is coming at the American people so fast that they can't sort out the targets to be able to demonstrate where it is that they want to make changes. If they want to object to the nationalization of AIG, well, too late because there were deals made with folks in the room that rolled billions, hundreds of billions in the end into those industries.

So AIG is nationalized, and Citigroup is effectively nationalized, and the large investment institutions that

took the TARP money are controlled by the Federal Government. And when they want to buy their way out and they offer a check to the White House so they can give the money back for TARP, the White House says, No, we won't take the check, and you can't buy your way out of this thing. We own you now. We're going to influence you, and we can't let you pay that money back.

Why would they say that unless they wanted these businesses to be nationalized, unless they wanted to control the decisions that were made? It's obvious they have. The TARP money that went to the investment bankers that was invested and some of their holdings, significant holdings, billions of dollars of the holdings, were in the shares of our large automakers, Chrysler and General Motors, for example. So when the secured creditors for the large automakers, Chrysler and General Motors, held out and said, We can make a better deal for our shareholders if you just let this go into bankruptcy, and we'll let them sell off this material or sell the company off, and we'll get cash at, let's just say, 32 cents on the dollar—that's an estimate. I don't know if it's based on anything other than a small news story—32 cents on the dollar as compared to the 10 cents on the dollar that they might have gotten dealing with the White House.

I'm advised—and I believe it to be true—that the car czar, appointed by the President, and the car czar's team in the White House set a limit, which is that secured creditors and the automakers are not going to get more than 10 cents on the dollar at the same time. That appears to be what happened. As the secured creditors were giving up their negotiating position one after another as the White House leveraged them and accused them of being—I have forgotten the exact language, but let's just say greedy capitalists—that wasn't the word, but it was the tone—and sought to intimidate them, as all of this was unfolding, the secured creditors were stepping back one after another after another. Finally it got down to only 5 percent of those holdings were secured creditors. They didn't have any allies anymore. They had to capitulate. They had to take those few pennies on the dollar. Meanwhile, the United Auto Workers, the union, was handed controlling interest. What is this about? Why would anyone think that that is a good idea? Could you cook this up in the board room? Let's just say, could you learn this studying Econ 101 as a freshman in any college? I could have never devised this plan. But this plan unfolds in this fashion and hands over the controlling interest of Chrysler Motors, 55 percent of it, to the United Auto Workers, the union, the workers. What is it that their investment was that they're compensated for by active shares within a company? Well, that would be the health care benefits, the future benefits. It would be the benefits that are—

I would call those contingent liabilities downstream. As the United Auto Workers would get older and retire and they would put pressure on the health care system as those claims came, they thought there was as much as \$10 billion in potential claims that could unfold in future years. So they gave that a present value and compensated the union for the present value of future health care liabilities by handing them a controlling interest of Chrysler Motor Company. Then while that is going on, what happens if we pass this socialized medicine that's advocated by the two gentlemen and the gentlelady tonight under the banner of the Progressive Caucus? Wouldn't that lift the burden of the health care costs, the contingent liability off of the hands of the union pension fund? Wouldn't that put that into the hands of taxpayers?

So the shares of controlling interest to be handed over to the union should be at least, in an idea, compensation for future liabilities that would be removed by this socialized medicine policy that's being advocated by the people who say that they're not socialists or socialistic and their program is not socialism. But you go to the Web site, and it says, Progressive Caucus is our legislative arm. What they advocate is what we are for. They spell it out. And they say, they want to nationalize the businesses. They want to do it incrementally. This was written before President Obama figured out how to do this all in a few great big giant moves.

This is a breathtaking change in the United States. The American people did not vote for these things. They did not know. They did not see it coming, and I think that we will see a reaction to this in a different fashion.

Mr. Speaker, as we lay out the backdrop for the economics and health insurance and the automakers—and, by the way, one more thing about the automakers and, that is, the dealerships that have been closed with a stroke of the pen by order of the President's car czar and his car team, his White House pit crew—we can't find a single individual on that team that has ever spent 1 day in the auto dealer's business. I can't find and it was reported to me—and this one I'm not certain of—that there is anybody on there that has been in the automaker's business.

□ 2100

So they haven't made cars or sold cars. But they are calling the shots on all these cars.

By the way, part of the deal is that the President is directing that Chrysler Motors make a nice high-mileage vehicle that suits his direction. I would submit that, other than at press conference time, the President will never ride in one of those. The Speaker of the House will never ride in one of those little electric cars. They are going to ride around in great big, bullet-proof limousines and Suburbans. And they will likely do that the rest of their

lives. They won't be driving a tiny little car with a battery in it that goes slow uphill and fast downhill. That reminds me of a train car graffiti I happened to see waiting in a crossing a while back. Someone had written on the train car "uphill slow, downhill fast, tonnage first, safety last." I thought that was quite an interesting little comment, by the way.

So we are here with a Speaker who directs some of these things that she is not going to live under and a President that directs decisions of automakers that he is not going to live under. But they think they know what is best for the rest of us. And they have no faith in the marketplace. They apparently don't have faith in national security either, Mr. Speaker. And this is an issue of grave concern to me and grave concern to everyone who cares about the security of the United States of America.

This country was severely attacked September 11, 2001. And the attacks that took place were against the Pentagon and against the Twin Towers of New York. The plane that crashed in Pennsylvania, there are conflicting opinions on whether it was headed to the United States Capitol or whether it was headed to the White House itself. I don't know that we will ever know which way that it was directed. But we do know that people on the plane took that plane over. And they gave their lives. But they saved a lot of lives while they did that. And they are to be honored and respected.

The intelligence that we have received since that time turned up the effort from the CIA and all 15 members of the intelligence community that have succeeded in foiling a good number of plots since September 11, 2001. And there has not been an attack on the American people, on our soil, that has been effective since that day. I don't think anyone on September 11, 2001, would have expected that we could go this long without an attack inside America. A lot of the credit goes to the intelligence agencies, including the Central Intelligence Agency, including the CIA. The CIA does a job and puts their lives at risk every day around the globe. And yes, they have informants. And sometimes they are working in the seedier side of life. It is the nature of their business. They have foiled plots. They have saved American lives. After the fact when there have been attacks that took place on American embassies, for example, in other places in the world, they have gone in and they have identified the culprits. And we have been able to pick up some of these culprits that have plotted against or attacked Americans to the credit of the CIA and the balance of the intelligence community. That is to their credit.

But, Mr. Speaker, the Speaker of the House accused the CIA of lying to her and other highly placed people within this Congress up in the secured room of this Capitol, not very far from where I stand. And that would have taken

place allegedly on the 4th of September, 2002, roughly 1 month after Zubaydah had been waterboarded. The allegation made by the Speaker was that the CIA lied to the United States Congress, misinformed the Congress of the United States of America, to be specific. And Mr. Speaker, this is untenable. This position is utterly untenable, to make such an allegation.

I have with me the draft of the legislation, the draft of Federal law that prohibits lying to Congress. And I would read this, in part, into the RECORD so that the legal language flows with the clarity and the intent. And it is this:

This is title 18, chapter 47, subchapter 1001, 18 U.S.C. 1001. And it says, in part: "Whoever in any manner knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device, a material fact, whoever makes any materially false, fictitious or fraudulent statement or representation shall be, if the offense involves international or domestic terrorism, imprisoned not more than 8 years."

Eight years in a Federal penitentiary for lying to Congress specifically about international or domestic terrorism. This statute is in the Code to address specifically the act and the acts that were alleged by the Speaker of the House. And so one can only draw one of two conclusions. And that is either the CIA willfully lied and misrepresented to the United States Congress, to the highest-ranking person in the United States Congress, the Speaker of the House of Representatives. Of course, at the time, she was not Speaker. If the CIA lied, though, to the Speaker, this statute covers such an act. And they would be looking at 8 years in a Federal penitentiary. If the CIA did not lie to the Speaker, and she alleges that they did, then we have an untenable situation, an irreconcilable situation. It is a situation with no middle ground, Mr. Speaker, because it was a public statement. And it was a statement that was made not off the cuff. It wasn't flippant. It was something that had been prepared before it was delivered. And it appeared to be from notes that were in front of the Speaker apparently in a calculated statement that said, and when asked and clarified by the press, "Are you telling us that the CIA lied to Congress?" And the answer was, "Yes, misled the Congress of the United States of America."

Now such an allegation is a very, very serious charge. It is a charge of a felonious criminal act, misinforming the Congress of the United States. Now, if the allegation is true, an investigation needs to ensue.

I have, along with the gentleman from California, asked for an FBI investigation into this matter. If the allegation is false, then the Speaker has torn asunder the relationship of trust and integrity that has to exist between the intelligence community and the United States Congress. I cannot imagine how anyone from the CIA would be

willing to go into the fourth floor of the United States Capitol, into that secure room where everybody drops off their cell phones and their BlackBerry's and gives up their ability to take notes out of the room, and goes into that room to listen, to maintain that confidentiality that is necessary for the safety of all the American people. I cannot imagine the CIA, or any other member of the intelligence community, being willing to brief the Speaker of the House of Representatives until this matter is resolved.

So if the Speaker didn't accurately remember what she was briefed on September 4, 2002, the easy thing to do—and it would be a very human thing to do, and all of us have sat in on briefings and hearings and we can't remember every detail, especially that many years back. The thing to do is to say, I don't remember clearly. If I have notes that are on file in the secure room, I will go back and revisit them and tell you what I can confirm that would be triggered by my memory and by my notes. One could go through and review the documents that were utilized at the time to verify what was briefed.

But a statement that the CIA lied to the United States Congress, misled the Congress of the United States of America, to say it precisely, to make that statement, one has to have a definitive proof that it happened. It is part of Western Civilization that we presume the other individual is telling the truth and we can't make an allegation that they are not unless we have the evidence to the contrary. But this statement was not qualified. The question was, "Are you saying that the CIA lied to the United States Congress?" Answer, "yes" by the Speaker. Then, yes, pause, stutter, misled the Congress of the United States of America. A very serious charge addressed specifically under 18 U.S.C. 47 1001, that I have read into the RECORD, Mr. Speaker.

This situation must be resolved. It is untenable. And it can't be reconciled with some compromise in the middle. I want a Speaker of the House that can be trusted with our national security, someone who is supportive of our national defense, our Department of Defense and our military. And during a time of war, our intelligence-gathering community has to have that level of confidence and that level of trust or the American people are at risk. The destiny of America will be changed.

So, Mr. Speaker, with that in mind, I have drafted a resolution. Things being as they are today with some time to allow the Speaker to have an opportunity to address and clear up this matter, the resolution that I have I will read it into the RECORD at this moment. And I will tell you, Mr. Speaker, that it is my intent to formally introduce it as a privileged resolution when we return in the early part of June from the Memorial break.

This resolution reads:

Whereas, as required by article VI of the Constitution, Members take an

oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic;

Whereas, in order to carry out his or her oath, a Member of Congress must have access to various kinds of sensitive and classified information regarding the national security interests of the United States; and

Whereas, it is imperative that Members of Congress develop and maintain a close working relationship with the leadership and members of the United States' intelligence community to ensure that they, as the American people's elected representatives in Congress, have ready access to the kinds of sensitive and classified information often needed by legislators to make decisions about the safety and security of the American people;

Whereas, the free and unimpeded flow of sensitive and classified information between our Nation's intelligence officials and Members of Congress is essential to ensure the dignity and integrity of the work and proceedings of the House of Representatives;

Whereas, it is also important for all Members of Congress to support the work done by the members of our Nation's intelligence community to keep our Nation safe in order to engender the trust and respect of the American people for the work done by these individuals and their respective organizations to protect our Nation from the attacks of our enemies;

Whereas, since its creation in the National Security Act of 1947, the Central Intelligence Agency has been charged with coordinating the Nation's intelligence activities and correlating and evaluating and disseminating intelligence affecting national security;

Whereas, since the inception of the CIA, Members of Congress have relied upon the dedicated Americans that have filled its ranks to provide timely and accurate information about threats to America's safety and the steps being taken to address those threats;

Whereas, in recent weeks, many public officials, including Members of Congress, and members of the public have called for investigations into the use of enhanced interrogation techniques, namely waterboarding, that have been used by the CIA since the attacks of September 11, 2001, to obtain information from detained terrorists for the purpose of thwarting future terrorist attacks against Americans;

Whereas, on April 23, 2009, Speaker NANCY PELOSI stated that she and other key Members of Congress were not told that waterboarding was used as an enhanced interrogation technique after it was first used in the interrogation of terrorist detainee Abu Zubaydah, a high-ranking al Qaeda operative, in August of 2002;

Whereas, contrary to her claims, a report that was prepared by the Office of the Director of National Intelligence and released to Congress on Wednesday, May 6, 2009, indicated that during

a September 4, 2002, meeting with intelligence officials, Speaker PELOSI, former Congressman and future CIA director, Porter Goss, and two aids were briefed on "the particular enhanced interrogation techniques that had been employed" by intelligence officials during the interrogation of Abu Zubaydah;

Whereas, Abu Zubaydah was waterboarded on August of 2002, the month before Speaker PELOSI received a briefing from intelligence officials on the "particular enhanced interrogation techniques that had been employed" during his interrogation;

□ 2115

Whereas, in response to questions about the May 6, 2009, report's indication that Speaker PELOSI was told by intelligence officials about the use of waterboarding as an enhanced interrogation technique during the briefing on September 4, 2002, the Speaker maintained that she had never been told that waterboarding was being used by officials. The briefers, her spokesman stated, only "described these techniques, said they were legal, but said that waterboarding had not yet been used";

Whereas, on May 14, 2009, in an attempt to further clarify what she was and was not told during the September 4, 2002, briefing about the waterboarding and other enhanced interrogation techniques used by intelligence officials in their interrogation of Abu Zubaydah in August 2002, Speaker PELOSI stated "those briefing me in September 2002 gave me inaccurate and incomplete information";

Whereas, on May 14, 2009, when it was noted by a reporter that she was "accusing the CIA of lying to you in September of 2002," Speaker PELOSI replied, "Yes. Misleading the Congress of the United States";

Whereas, on May 15, 2009, in response to Speaker PELOSI's allegation about the CIA lying to her and "the Congress of the United States," CIA director Leon Panetta sent a memo to the employees of the CIA stating, "It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing 'the enhanced techniques that had been employed'";

Whereas, title 18, part I, chapter 47, section 1001 of the United States Code provides that, with respect to "any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate," whoever in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, whoever knowingly and willfully falsifies, conceals, or covers



up by any trick, scheme, or device a material fact; makes any materially false, fictitious, or fraudulent statement or representation; if the offense involves international or domestic terrorism, imprisoned not more than 8 years.

Whereas, the relationship between Members of Congress and the intelligence community cannot be jeopardized by a distrust between Congress and the intelligence community resulting from intelligence officials lying to Congress or from Members of Congress leveling charges and allegations against intelligence officials;

Whereas, the Speaker must either produce evidence providing that she was lied to in order to ensure that the ranks of our Nation's intelligence community are purged of those responsible for misleading Congress, or she must apologize to the men and women of the CIA, to the American people, and to the Members of this revered body to lift the cloud of uncertainty that has descended upon the Agency and the intelligence community since these allegations were leveled and allow the dedicated men and women who serve in its ranks to refocus their efforts and energies on keeping America safe;

Whereas, if the Speaker is unable or unwilling to provide evidence to support her allegation that she and Congress have been lied to by the CIA, the American people will be left with no choice but to conclude that this allegation has no basis in fact;

Whereas, if it is determined that the Speaker has indeed leveled baseless allegations against intelligence officials, she will have effectively undermined America's national security and severely damaged the integrity of this House, and she should therefore be held to account for these actions through, among other things, the withholding from her of sensitive or classified information pertaining to the national security interests of the United States;

Therefore be it resolved, that the chairman and ranking member of the House Permanent Select Committee on Intelligence are directed to withhold any and all classified material from the Speaker of the House and her staff unless:

Within 14 days after the date of passage of this resolution she produces evidence of the lies that she alleges were told to her by intelligence officials in September 2002, and

The chairman and ranking member of the House Permanent Select Committee on Intelligence are directed to choose a suitable replacement from within the leadership ranks of the House Democrat Caucus to receive any necessary classified material and briefings in the place of the Speaker if classified material is withheld from her in accordance with this resolution.

Mr. Speaker, this is a very serious, serious situation. It puts our intelligence community in a position where they have to be extraordinarily reluctant to brief the Speaker of the House,

with the constitutional office of Speaker of the House, elected by the full body, not a partisan office, a non-partisan office that's defined in our Constitution, third in line for the Presidency—only Vice President JOE BIDEN is ahead of the Speaker of the House in the line of ascendancy to the Presidency, and our national security is at risk in a lot of ways.

One of them can be because at this point, we are having difficulty, and I will make this statement. It's got to be hard to recruit for the CIA or any members of the intelligence community today because they're being charged with lying to Congress. It's got to be hard to get anybody to come to this Congress to brief anyone when we have an administration and a Speaker and a network here on this Hill that's trying to find somebody in the former Bush administration that they can indict and prosecute and punish as a way of, I don't know, getting even with the previous administration, I suppose.

I don't understand how this majority and this Congress can't simply just move on and provide national security. I don't understand how the Speaker of the House cannot be alarmed by being briefed about waterboarding in September of 2002, but after the information comes out to the press, then is, let me say, *ex post facto* alarmed, alarmed after the fact, perhaps because the political pressure comes from the left has been turned up significantly.

Whatever those reasons are, the Speaker of the House cannot be leveling charges unless they are founded, and a statement should never be made by the Speaker of the House that would challenge the integrity of the CIA or any other member of our intelligence gathering community unless the evidence can be laid down on the table at the same time the statement is made. You simply do not call someone a liar in this country unless you have the evidence available to back it up.

And what this resolution does, it says Madam Speaker, back it up or back up, one or the other. We cannot have this situation. I don't know anybody in this Congress that will receive a briefing that fill us in on the real facts. The CIA has got to be reluctant, and they will tell us the truth, but we're going to have ask a whole lot of the right questions to get this out at this point.

This Congress has to make appropriations to the entire intelligence community and to our Department of Defense. If a hostile attitude toward them exists, there exists also the incentive for other Members of the Congress and staff members of the committee and staff members of other Members of Congress, as well as the Speaker's staff themselves, to devise ways or summarize reduce the resources going to our intelligence community or establish policy changes that make their jobs more difficult. The statement itself calls into question all activities of this Congress that would affect the activities of our entire defense network

in America, Department of Defense as well as our intelligence communities.

This is a very serious situation. It must be resolved. It cannot go on without having it answered. This resolution simply says that there will not be security clearance for the Speaker of the House as long as she holds the position that the CIA can't be trusted. She would have no reason to sit down and listen to them if she believes they are liars. If she thinks they are, she needs to produce the evidence.

I think they are not. I think they have told the truth in these briefings, and the other people in the briefings say so, and yes, they deal in misinformation all the time. That is the nature of the CIA. But once it's down in the fourth floor, in that secured room, we've got to be able to look them in the eye and trust they are delivering to us the unvarnished information that's necessary for us to provide the resources so that they can do their job to protect all Americans, Mr. Speaker.

And so as this Memorial Day break will ensue at the conclusion of my remarks this evening, as I understand it, I want to remind you and the people that are listening that we have this period of time now for the balance of the month of May, and we come back in after the Memorial Day weekend. When we do that, it is my intention to introduce this resolution that I have read into the RECORD and ask this Congress to withhold the security clearance of the Speaker of the House until she clears up this mess that is created by her allegations and to produce the base for the charges or withdraw them and apologize to the CIA, to this Congress, and to the American people and to admit what's really going on here.

That is the core of my reason for being here tonight, Mr. Speaker. I will be back on this floor early in June to address this subject matter again.

I ask you, Mr. Speaker, to keep an eye on this situation. I ask the American people to keep an eye on it, and I will also be doing the same thing, looking for resolution to this matter the sooner the better. The American people will be safer if it's sooner rather than later.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)